

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

BOARD OF TRUSTEES OF THE  
LABORERS HEALTH AND WELFARE  
TRUST FUND FOR NORTHERN  
CALIFORNIA, et al.,

Plaintiffs,

v.

CEM BUILDERS, INC.,

Defendant.

Case No. [5:18-cv-00685-EJD](#)

**ORDER RE: PLAINTIFFS' *EX PARTE*  
MOTIONS FOR RIGHT TO ATTACH  
ORDER AND WRIT OF ATTACHMENT**

Re: Dkt. Nos. 10, 11

Having reviewed Plaintiffs' *Ex Parte* Motion for Right to Attach Order and Writ of Attachment (Dkt. No. 10) and Amended *Ex Parte* Motion for Right to Attach Order and Writ of Attachment (Dkt. No. 11) and related documents, the Court orders as follows:

1. Because the Court does not find that Plaintiff has sufficiently demonstrated under California Code of Civil Procedure § 485.010 (as applied through Federal Rule of Civil Procedure 64(a)) that "great or irreparable injury would result to Plaintiff if issuance of the order were delayed until the matter could be heard on notice," Plaintiff's request to proceed *ex parte* is DENIED. The Court will, however, hear Plaintiff's motion on shortened time.

2. Plaintiff shall immediately serve on Defendant copies of:

a. this order;

b. the *Ex Parte* Motion for Right to Attach Order and Writ of Attachment (Dkt. No. 10) and Amended *Ex Parte* Motion for Right to Attach Order and Writ of

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1 Attachment (Dkt. No. 11) and all related documents and attachments, and;  
2 c. the Complaint, any amendments thereto, and all related documents and  
3 attachments;  
4 in a manner that ensures Defendant receives the documents no later than February 9, 2018.  
5 Plaintiffs shall thereafter file a certificate demonstrating the completion of such service on or  
6 before **4:00 p.m. on February 9, 2018**. Plaintiffs are advised that failure to timely comply with  
7 this order may result in the delay of these proceedings.

8 3. Any opposition to the Amended *Ex Parte* Motion for Right to Attach Order and  
9 Writ of Attachment shall be filed and served on or before **February 16, 2018**.

10 4. The Court schedules a hearing on the Amended *Ex Parte* Motion for Right to  
11 Attach Order and Writ of Attachment for **10:00 a.m. on February 22, 2018**.

12 **IT IS SO ORDERED.**

13 Dated: February 7, 2018



EDWARD J. DAVILA  
United States District Judge

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